

# TASMANIAN RACING APPEAL BOARD

Appeal No. 19 of 2025-26

<b>Panel:</b>	<b>Ms Amber Cohen (Deputy Chairperson)</b>	<b>Appellant:</b>	<b>Mr Nicholas Howard</b>
<b>Adviser:</b>	<b>Mr Mike Stiles</b>		
<b>Appearances:</b>	<b>Mr Gavin Griffin (on behalf of the Stewards)</b>	<b>Rules:</b>	<b>GAR 124(1) Failing to pursue</b>
<b>Heard at:</b>	<b>Conference Room 1 Prospect Government Offices Road Prospect TAS &amp; online via Microsoft Teams</b>	<b>Penalty:</b>	<b>GOOD LUCK BABE stood down for a period of 28 days at Launceston and until the completion of a satisfactory trial</b>
<b>Date:</b>	<b>2 February 2026</b>	<b>Result:</b>	<b>Dismissed</b>

## REASONS FOR DECISION

### Background

1. This appeal concerns a race that occurred on 5 January 2026 at the Launceston Greyhound Racing Club, Race 8, over 515 metres.
2. GOOD LUCK BABE finished sixth of seven greyhounds.
3. Following the race, the Stewards held an informal inquiry in respect to concerns regarding GOOD LUCK BABE's racing over the concluding stages. The inquiry was not recorded.
4. The appellant is the owner of GOOD LUCK BABE. The appellant was not present at the event. The greyhound had travelled to Launceston with the trainer's partner, Ms Tonie Czerkiewicz. No direct evidence was available to the Board as to the informal inquiry by way of recording or witness statements. On behalf of Stewards, Mr Griffin stated that Ms Czerkiewicz was shown footage of the race and invited to make any comment, which she declined. This was not refuted by the appellant.
5. Stewards arranged for the greyhound to have a veterinary examination, which was carried out by the race day veterinarian Dr Kim Barrett. In her report, Dr Barrett noted "NAD", short for "no abnormality detected" – meaning that she found no injury. Stewards charged the greyhound under GAR 124 for failing to pursue (the lure).
6. The Board has received no evidence about whether Ms Czerkiewicz was invited to plea to the charge. In any event, the greyhound was convicted and suspended for 28 days at the track where the offence occurred and until the completion of a satisfactory trial, this being the mandatory penalty for a first offence under GAR 127.
7. GOOD LUCK BABE had been convicted under the same rule in August 2025 but as she had competed in at least 10 events without again breaching the requirements of GAR 123, 124 and 125, Stewards had considered the endorsement on the record for the August offence to be

cancelled under GAR 128 (albeit the greyhound's race record had not been updated to reflect this). Thus the greyhound was penalised by Stewards on this occasion as if it were the first offence under this rule.

8. GAR 125 provides for a greyhound, which in the opinion of Stewards, fails to pursue the lure, to have a veterinary examination if it is the first offence. If the greyhound is found to be injured, it is to be stood down for the period recommended by the officiating veterinarian and is not then permitted to compete until it has completed a satisfactory trial. If it is found not to be injured, it is to be subject to the penalties at GAR 127. GAR 125 was not applied by Stewards in this case given that the greyhound underwent a post-race veterinary examination and was not found to be carrying any injury.
9. It was the Stewards opinion that on the night the greyhound had failed to pursue the lure.
10. Failing to pursue is defined in the Tasmanian Greyhound Rules of Racing as meaning when a greyhound turns its head, visibly eases or fails to pursue the lure with due commitment during the running of an event. It seems that Stewards relied on the greyhound visibly easing in order to form their opinion that the greyhound had failed to pursue.

### **Stay application**

11. In his notice of appeal, the appellant requested a stay of the penalty pursuant to s85 of the *Racing Regulation and Integrity Act 2024* (the Act).
12. Section 85 provides:
  - 85. Suspension of penalties pending appeals**
  - (1) The chairperson, on the request of the appellant, may, unconditionally or on such conditions as the chairperson thinks fit, suspend the operation of a decision or a penalty pending the hearing and determination of an appeal.*
  - (2) The chairperson must not suspend the operation of a decision or a penalty under [subsection \(1\)](#) in relation to a major or minor appeal if –*
    - (a) the decision was made, or the penalty imposed, because of a serious risk to –*
      - (i) the welfare or health of an animal; or*
      - (ii) the safety of any person; or*
      - (iii) the integrity of the Tasmanian racing industry; or*
    - (b) the appeal is intended to be heard within 7 days of lodgment, unless the chairperson considers that extenuating circumstances require otherwise.*
13. Under delegated authority from the Chairperson, I determined the stay application on 19 January 2026, after hearing from both the appellant and from Stewards at a scheduled directions hearing earlier that day. Stewards opposed the stay application. The appellant explained that registration for the heats for one of the three major greyhound races in Tasmania was due the following day. If the greyhound had been treated as injured, as he contended it should have been on evidence he held, then it would have been stood down for the period recommended by the veterinarian and would have been able to race (after a satisfactory trial). The appellant also said at the directions hearing that he did not concede that there was a failure to pursue at all, and he intended to direct the Board to video footage of the race at the hearing to support that proposition.
14. In determining the stay application, I took into account the matters raised by the appellant and the fact that the matter may not be heard and determined until after the 28 day suspension period had expired, which may result in an unfair prejudice to the appellant if the appeal were ultimately to succeed. That is because the greyhound will have served the full penalty, whereas if there was to be a finding that the greyhound did not fail to pursue, it should have no penalty, and/or if it is determined that the greyhound was injured, it should be stood down for the period recommended in the veterinarian examination report, which in this case was 10 days, followed by the requirement for a satisfactory trial. Without forming any view as to the merits of the matter, I also took into account that the appellant appeared to have arguable ground(s) of appeal.

Finally, I considered each of the factors at s85(2), which would prohibit a stay, and found that none of those factors were relevant in this matter.

15. I ordered the suspension of the decision or penalty in this matter pending the hearing and determination of the appeal on the condition that GOOD LUCK BABE completes a satisfactory trial.

### **Hearing of appeal**

16. The appeal was heard on 2 February 2026, after the first scheduled hearing date, 23 January 2026 was vacated at the request of the appellant for reasons which were accepted by this Board.
17. The material before the Board in this appeal were:
  - (a) the Notice and Grounds of Appeal;
  - (b) the Tasracing veterinarian examination report of 6 January 2026;
  - (c) the Tasracing veterinarian examination report of 5 January 2026;
  - (d) the Tasracing Integrity Unit race report of 5 January 2026;
  - (e) the race record of the greyhound, GOOD LUCK BABE;
  - (f) an email from the trainer of GOOD LUCK BABE, Nic Howlett, to Tasracing of 1 December 2025, asking that the greyhound's first offence be removed as she had had 10 race starts without further breach; and
  - (g) an email from the appellant to the Board identifying the time on the race footage that the appellant wished the Board to have particular regard to.
18. Items (b), (f) and (g) above were not items before the Stewards at the time of the decision. Pursuant to s81(3) of the Act, the appeal is to be heard and determined upon the evidence at the original hearing at the time of the decision, but if the presiding member considers it to be proper, expert or other evidence may be admitted. There were no objections from Stewards to the additional material being admitted and it was admitted under that section.
19. The appellant appealed both the conviction and penalty by notice dated 9 January 2026. Albeit, only the second ground was stated in the notice and grounds of appeal, the appellant's case presented at the hearing was two-fold. Firstly, that the greyhound did not fail to pursue the lure, rather she tired towards the end of the race and could not sustain the pace. Secondly, if it were to be found that she failed to pursue the lure, it was because she was injured.
20. As to whether the greyhound had failed to pursue the lure, the appellant stated that GOOD LUCK BABE ultimately finished the race in a time of 30.03 seconds. Her best time being either 29.87 or 29.89 seconds. She was not far off her best time and simply tired. He said that her head movement did not change and her body stayed in the right line but that she weakened. He said she was "not a strong dog over 500 metres". He said that if it had not been for the number four greyhound having interfered with her run, she would still likely have run her best time. The appellant also said that he had been advised by the trainer that the greyhound appeared to have pulled up sore upon being transported back to kennels in Hobart.
21. Stewards made no comment about the race time. Steward's position was essentially that, having considered the race footage several times, the greyhound could be seen to have visibly eased. Stewards said that any interference from the number four greyhound was irrelevant to the issue of failing to pursue as it occurred later. Mr Griffin said that the other dogs ran into her because she "pulled up". He said GOOD LUCK BABE was "doing good", it got up the straight and then it put the brakes on.
22. Regarding the second ground of appeal, that the greyhound was in fact injured, the appellant explained that Stewards had arranged for GOOD LUCK BABE to be "re-vetted" the following morning, 6 January 2026, by an officiating veterinarian. That veterinarian reported "marked swelling and discomfort to medial tibia. New track leg injury". The appellant stated at the appeal that the re-vetting had occurred between 10.00am and 11.00am the following morning. The

report on both the night of the race and the next day were in short form and there was no evidence put forward by either Stewards or the appellant as to how the two reports, by two different officiating veterinarians produced a different finding.

23. During the course of this appeal Stewards submitted that they could only proceed on the basis of the information available to them, which was that upon examination, the greyhound was found not to be injured. Mr Griffin said that whilst he understood the appellant's position, 90% of dogs would have a niggling injury or be a bit sore after a race event. However, there could be no argument as to what the veterinarian had said on the night of the race.
24. In circumstances where the Board is considering a rule which is grounded on the opinion of Stewards, as in this case I note the observations of Chairperson Cuthbertson in Appeal No. 09 of 2023-24 at para 10 :

*Given the nature of the Rule, which is grounded on the opinion of Stewards, the appellant is required to successfully challenge the professional opinion of Stewards which is based on their assessment of the race. Due recognition has to be given to their expertise and capacity to view the films and consider the overall race. It is a matter for the appellant to satisfy the Board that Stewards could not have reasonably reached their ultimate conclusion in order to be successful in the appeal.*

25. In the Board's view, the appellant has not discharged that burden in this case. It is the Board's view based on viewing of the race footage, with the assistance of the Board's independent adviser, Mr Stiles, that Stewards could reasonably form the view that GOOD LUCK BABE visibly eased in the last 50 metres of the race. She had begun the race very strongly and led for most of it. Her pace then slows markedly shortly before the finish line, which is evident in the fact that five greyhounds in the race go past her very suddenly. I note that GOOD LUCK BABE appears to have run a respectable race in terms of the time in which the race was completed but this fact alone was not enough to satisfy me that Stewards could not reasonably have formed the view that the visible and sudden easing was more apt to be considered a failure to pursue than some other acceptable reason.
26. In terms of whether the greyhound was injured, to enliven GAR 125, whilst the appellant did go to lengths to have the greyhound "re-vetted", it is not open on the evidence to make a finding of fact as to the timing of the noted injury. Nor is it open on the evidence to form any view, without mere speculation, as to how the veterinarian report of 5 January 2026 can be explained in light of the veterinarian report of 6 January 2026. The Board cannot be comfortably satisfied on the available evidence that the greyhound was injured either before or during the race, rather than after it.
27. The appeal is dismissed and the decision of Stewards is affirmed.
28. In accordance with section 99(4) of the Act, 50% of the appellant's prescribed deposit is to be forfeited to the Secretary of the Department. The appellant is also ordered to pay 50% of the cost incurred in preparation of the transcript in accordance with section 99(8) of the Act.

**DATED: 9 FEBRUARY 2026**